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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,968	12/31/2001	Tim Kerry Keyes	17243-00042	3148

7590   05/02/2007

John S. Beulick
Armstrong Teasdale LLP
Suite 2600
One Metropolitan Sq.
St. Louis, MO 63102

EXAMINER
GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
3692	

MAIL DATE	DELIVERY MODE
05/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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	Application No.	Applicant(s)
Office Action Summary	10/035,968	KEYES ET AL.
	Examiner	Art Unit
	Clement B. Graham	3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 February 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-16</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-16</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   **Claims 1-55 remained pending and claim 16 has been added.**

Claim Rejections - 35 USC § 112

2   The following is a quotation of the second paragraph of 35 U.S.C. 112:
        The specification shall conclude with one or more claims particularly pointing out
and distinctly claiming the subject matter which the applicant regards as his invention.

3.   Claims 1, 5, 6, 11, are rejected under 35 U.S.C. 112, second paragraph, as
being indefinite for failing to particularly point out and distinctly claim the subject matter
which applicant regards as the invention.

        In particular, Claims 1, 5, 6, 11, recites the words [" **Mile stone** "].
However this language fails to distinctly claim Applicant's invention because the scope
of the claim is unclear. Moreover the specification fails to clarify, the meaning of the
limitation. Appropriate correction is required.

        In particular, Claims 1, 5, 6, 11, recites the words [" **segmenting the loan
portfolio based on at least one characteristic"**].
However this language fails to distinctly claim Applicant's invention because the scope
of the claim is unclear because no one knows which on of the characteristics are
assigned to each loan and what are the others. Moreover the specification fails to
clarify, the meaning of the limitation. Appropriate correction is required.

Claim Rejections - 35 USC § 102

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the
basis for the rejections under this section made in this Office action:

        A person shall be entitled to a patent unless –

        (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
        sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1-16, are rejected under 35 U.S.C. 102(e) as being anticipated by Fox et al
(Hereinafter Tarter U.S Pub: 20010034701 .

        As per claims 1, Fox discloses a method for assessing a loan portfolio
comprising a plurality of loans, each loan having at least one characteristic assigned

thereto, said method comprising the steps of.(see column 1 para 0009 and column 2 para 0010-0011)

identifying a milestone for each loan included within the portfolio at a selected time of assessment wherein the milestone relates to a status of the corresponding loan(see column 3 para 0028 and column 4 para 0047-0048 and column 6 para 0066-0069 and column 8 claim 23)

segmenting the loan portfolio based on the at least one characteristic assigned to each loan column 3 para 0028 and column 4 para 0047-0048 and column 6 para 0066-0069 and column 8 claim 23)

determining planned collections for the each loan for the selected time of assessment; determining actual collections for each loan for the selected time period of and assessment, populating a spreadsheet identifying a current milestone and a cumulative variance between planned collections and actual collections at the current milestone for the loan; and determining a contribution of a portfolio segment to an overall cumulative loan portfolio variance.(Note abstract and see column 3 para 0028 and column 4 para 0047-0048 and column 6 para 0066-0069 and column 8 claim 23).

As per claims 2, Fox discloses wherein the milestone for at least one loan comprises one of not contacted, in negotiation, scheduled for approval, approved, approved delinquent, closed, closed delinquent, paid-in-full, and foreclosed. .(Note abstract and see column 3 para 0028 and column 4 para 0047-0048 and column 6 para 0066-0069 and column 8 claim 23).

As per claims 3, Fox discloses wherein determining planned collections comprises the steps of denormalizing a business plan to create a list-oriented format for each loan and each planned payment, coding planned payments to an index of time, and determining cumulative planned collections for each loan. .(Note abstract and see column 3 para 0028 and column 4 para 0047-0048 and column 6 para 0066-0069 and column 8 claim 23).

As per claims 4, Fox discloses wherein determining actual collections comprises the steps of coding actual payments for each loan to an index of time and determining

cumulative actual payments for each loan. .(Note abstract and see column 3 para 0028 and column 4 para 0047-0048 and column 6 para 0066-0069 and column 8 claim 23) .

As per claims 5, Fox discloses a database for a variance tracking system, said database comprising a memory storage having data stored therein, said data comprising:

at least one characteristic associated with each of a plurality of loans included within a loan portfolio wherein the loan portfolio is segmented based on the at least one characteristic assigned to each loan.(3 para 0028 and column 4 para 0047-0048 and column 6 para 0066-0069 and column 8 claim 23)

a milestone status for each of plurality of loans, wherein the milestone relates to a status of the corresponding loan;

planned payments for each loan;

actual payments for each loan indexes of time associated with each planned payment and with each actual payment a variance between each planned payment and each actual payment.(see column 3 para 0028 and column 4 para 0047-0048 and column 6 para 0066-0069 and column 8 claim 23) and a contribution of each portfolio segment to an overall cumulative loan portfolio variance. .(Note abstract and see column 3 para 0028 and column 4 para 0047-0048 and column 6 para 0066-0069 and column 8 claim 23).

As per claims 6, Fox discloses a computer program for controlling operation of a computer to determine variance in a loan portfolio, each loan having, at least one characteristic assigned thereto, said computer program executable to control the computer to:

associate each loan in the portfolio with one of a plurality of milestones, wherein the milestone relates to a status of the corresponding loan.(Note abstract and see column 3 para 0028 and column 4 para 0047-0048 and column 6 para 0066-0069 and column 8 claim 23)

segment the loan portfolio based on the at least one characteristic assigned to each

loan determine cumulative planned collections for e -selected each loan for the-selected a time of assessment.(Note abstract and see column 3 para 0028 and column 4 para 0047-0048 and column 6 para 0066-0069 and column 8 claim 23)

determine cumulative actual collections for each loan for the selected time period of assessment, determine a cumulative variance for the-less each loin for the selected time period of assessment based on the cumulative planned collections and cumulative actual collections.(Note abstract and see column 3 para 0028 and column 4 para 0047-0048 and column 6 para 0066-0069 and column 8 claim 23)

and determine a contribution of each portfolio segment to an overall cumulative loan portfolio variance. .(Note abstract and see column 3 para 0028 and column 4 para 0047-0048 and column 6 para 0066-0069 and column 8 claim 23).

As per claims 7, Fox discloses a computer program according to Claim 6 further executable to control a computer to populate a spreadsheet identifying a current milestone and a cumulative variance between planned collections and actual collections at the milestone for the loan. .(Note abstract and see column 3 para 0028 and column 4 para 0047-0048 and column 6 para 0066-0069 and column 8 claim 23) .

As per claims 8, Fox discloses a computer program, according to Claim 6 wherein the milestone for at least one loan comprises one of not contacted, in negotiation,   . scheduled for approval, approved, approved delinquent, closed, closed delinquent, paid-in-full, and foreclosed. .(Note abstract and see column 3 para 0028 and column 4 para 0047-0048 and column 6 para 0066-0069 and column 8 claim 23).

As per claims 9, Fox discloses a computer program according to Claim 6 wherein to determine planned collections, said program is executable to control the computer to denormalize a business plan to create a list-oriented format for each loan and each planned payment, and coding planned payments to an index of time.(Note abstract and see column 3 para 0028 and column 4 para 0047-0048 and column 6 para 0066-0069 and column 8 claim 23).

As per claims 10, Fox discloses a computer program according to Claim 6 wherein to determine actual collections, said program is executable to control the computer to code actual payments for each loan to an index of time. .(Note abstract and

see column 3 para 0028 and column 4 para 0047-0048 and column 6 para 0066-0069 and column 8 claim 23).

As per claims 11, Fox discloses a variance tracker system for tracking variance in a loan portfolio, said system comprising:

a database comprising a memory storage having data stored therein, said data comprising a milestone status for each of a plurality of loans within the loan portfolio, at least one characteristic assigned to each loan, planned payments for each loan, actual payments for a plurality of loans, and indexes of time associated with each planned payment and with each actual payment.(see column 3 para 0028 and column 4 para 0047-0048 and column 6 para 0066-0069 and column 8 claim 23)   and

a processor coupled to said database, said processor programmed to:

associate each loan in the portfolio with one of a plurality of milestones, wherein each milestone relates t a status of a corresponding loin.(see column 3 para 0028 and column 4 para 0047-0048 and column 6 para 0066-0069 and column 8 claim 23) segment the loan portfolio based on the at least one characteristic assigned to each loan determine cumulative planned collections for each loan for the selected time of assessment;

determine cumulative actual collections for the loan each loan for the selected time period of assessment.(see column 3 para 0028 and column 4 para 0047-0048 and column 6 para 0066-0069 and column 8 claim 23)

determine a cumulative variance for each loan for the selected time period of assessment based on the cumulative planned collections and cumulative actual collections.(see column 3 para 0028 and column 4 para 0047-0048 and column 6 para 0066-0069 and column 8 claim 23) and determine a contribution of each portfolio segment to an overall cumulative loan portfolio variance. .(Note abstract and see column 3 para 0028 and column 4 para 0047-0048 and column 6 para 0066-0069 and column 8 claim 23)

As per claims 12, Fox discloses a system according to Claim 11 wherein said processor is further programmed to populate a spreadsheet identifying a current milestone and a cumulative variance between planned collections and actual collections

at the milestone for the loan. (Note abstract and see column 3 para 0028 and column 4 para 0047-0048 and column 6 para 0066-0069 and column 8 claim 23).

As per claims 13, Fox discloses wherein the milestone for at least one loan comprises one of not contacted, in negotiation, scheduled for approval, approved, approved delinquent, closed, closed delinquent, paid-in-full, and foreclosed. .(Note abstract and see column 3 para 0028 and column 4 para 0047-0048 and column 6 para 0066-0069 and column 8 claim 23).

As per claims 14, Fox discloses a wherein to determine planned collections, said processor is programmed to denormalize a business plan to create a list oriented format for each loan and each planned payment, and coding planned payments to an index of time. .(Note abstract and see column 3 para 0028 and column 4 para 0047-0048 and column 6 para 0066-0069 and column 8 claim 23).

As per claims 15, Fox discloses a system program according to Claim 11 wherein to determine actual collections, said processor is programmed to code actual payments for each loan to an index of time. .(Note abstract and see column 3 para 0028 and column 4 para 0047-0048 and column 6 para 0066-0069 and column 8 claim 23).

As per claims 16, Fox discloses wherein the at least one characteristic assigned to each loan including real estate secured, other collateral secured, and unsecured. .(Note abstract and see column 3 para 0028 and column 4 para 0047-0048 and column 6 para 0066-0069 and column 8 claim 23).

Conclusion
RESPONSE TO ARGUMENTS

6.   In response to Applicant's argument filed 2/07/2007 has been fully considered but they are moot in view of new grounds..

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG
April 27, 2007

Frantzy Poinvil
Primary Examiner
Art Unit 3628